

Attorney Docket N . 07319-096001
Appl. No. 09/778,242
Amdt. dated August 5, 2003
Reply to Office Action dated April 7, 2003

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

The reference numerals 9 and 13 have been added to the specification to obviate the objection to the drawings.

Claims 1-2 stand rejected under 35 USC 102 as allegedly being anticipated by Katagiri. This contention is respectfully traversed, and for reasons set forth herein, it is respectfully suggested that Katagiri does not, in fact, anticipate or even suggest the subject matter of claims 1 and 2.

Initially, consider an important feature of the claimed invention. Specifically, the inventor recognized that no two filters in general will be exactly the same, see the top of page 4 of the specification. In the prior art, approximations were used of what position on the filter corresponded to what color. However, errors may arise due to the physics of the way the filters are mounted as well as the physics of the filter itself. The present system therefore defines "calibration data which is individual to the specific optical filter in said optical device". In fact, this individualized matching is not taught or suggested by any of the cited prior art.

Katagiri teaches a system which stores a lookup table that correlates between the specific color, the filter position, and the viewing angle. Data storage device 11 is described to store data "of center transmission wavelengths versus control parameters of optical filters as well as the viewing angle detection signal..." see column 16 lines 14-16. It is apparent, however, that this data storage device is not individually calibrated for the specific unit. First of all, this describes storing the wavelengths versus control parameters for the

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optical filters, that is plural. Nowhere is there any teaching or suggestion of obtaining this lookup table individually for each optical filter, as is necessary according to the present claims. In fact, in the embodiment described in column 25, it becomes apparent that no individualization is carried out, since the database is stored in a read-only memory 134, see generally column 25 lines 44-53. Katagiri, moreover, only correlates wavelengths, e does not correlate list of colors, as required by the claim. Therefore, it is clear that Katagiri teaches nothing about the claimed subject matter which requires storing calibration data relating to individual characteristics "which are individual to the specific optical filter...". Therefore, claim 1 should be allowable along with the claims which depend therefrom.

Claims 1 and 2 also stand rejected under 35 USC 102 as being anticipated by Mactaggart. However, Mactaggart has much the same drawbacks as Katagiri. While Mactaggart describes a calibration table, there is no teaching or suggestion that this calibration is individual for the specific wheel being controlled. In fact, the calibration table presumably is simply a table that characterizes the position on the wheel as compared with its expected color. Nowhere, however, is there any teaching or suggestion that the calibration table is individual for the specific wheel. In order to form such a specific calibration table, it would be necessary to carry out a specific calibration sequence to calibrate the position of the wheel with the specific color. A calibration sequence is in fact carried out as described column 3, but this calibration sequence merely ensures that the radiation properly impinges on the sample. There is no teaching or suggestion of calibrating for the

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specific colors, nor is there any teaching or suggestion of a memory table with a list of specified colors and positions for those specified colors as required. In fact, Mactaggart appears to only calibrate the positions of the filter wheel with wavelength, not with a list of colors as required by the claim. Therefore, this claim is further allowable.

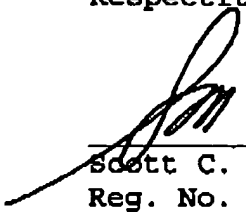
Claims 7 and 8 stand rejected as being obvious based on Katagiri or Mactaggart in view of So. The rejection alleges that So shows how transmission data is stored, and specifies that a 50% position is an obvious way. Applicants respectfully disagree, since there is no teaching or suggestion in any case of the kind of calibration which is carried out and therefore any hypothetical combination certainly could not render obvious these claims.

In view of the above amendments and remarks, therefore, all of the claims should be in condition for allowance. A formal notice to that effect is respectfully solicited.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 8/5/03



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